UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/903,630
Filing Date: July 13, 2001
Appellant(s): CHUNG ET AL.

James G. McEwen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/2/2007 appealing from the Office action mailed 6/22/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

10/995,295

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Montulli is Patent No. 5,774,670, not 5,744,670 as noted on page 10 of the Appeal Brief.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,829,368	Meyer et al.	12-2004
5,774,670	Montulli	6-1998

Kurose et al. "Computer Networking: A Top Down Approach Featuring the Internet," pp 383-385 (Addison Wesley Longman Inc. (2001))

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 45-51, 53-60, and 62-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (USPN 6,829,368) in view of Montulli (USPN 5,774,670).

In regard to claim 45, Meyer disclosed *an identifier provider for providing an identifier of the contents; a network connector; and a controller for storing the contents identifier provided by the identifier* (column 13, lines 4-27, where the identifier is transmitted by the Internet browser. Storage inherently precedes transmission of the identifier.); *transmitting the stored contents identifier through the network connector to a server system, which provides additional information related to the provided contents identifier* (column 13, lines 4-27); *and receiving, through the network connector, the additional information provided from the server system after the stored contents identifier was transmitted* (column 13, lines 4-27). Meyer taught the transmission of an identifier using an Internet browser to a server to retrieve information. (column 13, lines 4-27). Meyer failed to disclose that this transmission involved the use of a cookie file. However, Montulli taught that it was well known in the art to use a cookie file for data transmission at the time of the invention. (column 9, lines 47-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to use any means of transmission to send data to a server through a web browser, including cookie files, since cookie files were well established and known in the art as a data transmission scheme utilized in web browsers.

In regard to claim 46, Meyer in view of Montulli further disclosed *a reading unit for reading data from at least one storage medium, in which the contents are stored, and reads the contents identifier from the at least one storage medium, wherein the identifier provider provides the read contents identifier read from the at least one storage medium to the controller.* (Meyer, column 16, lines 1-3 and lines 59-67)

In regard to claim 47, Meyer in view of Montulli further disclosed *a reading unit for reading data from at least one storage medium, in which the contents are stored, and reads an international standard recording code (ISRC) from the at least one storage medium, wherein the identifier provider receives the ISRC read and provides the ISRC as the contents identifier to the controller.* (Meyer, column 16, lines 1-3, lines 59-67; column 3, lines 54-59)

In regard to claim 48, Meyer in view of Montulli further disclosed *a reading unit for reading the contents from at least one storage medium in which the contents are stored; and a reproducer for reproducing contents read by the reading unit.* (Meyer, column 16, lines 1-3, lines 59-67; column 13, lines 4-27).

In regard to claim 49, Meyer in view of Montulli further disclosed *a decoder for decoding the read contents.* (Meyer, column 13, lines 4-27)

In regard to claim 50, Meyer in view of Montulli further disclosed *a speaker for receiving audio data output from the decoder and delivering sound; and a display apparatus for receiving video data output from the decoder and displaying images.* (Meyer, column 12, lines 59-65; column 14, lines 3-11).

Claim 51 is substantially the same as claim 45.

Claim 53 is substantially the same as claim 47.

Claim 54 is substantially the same as claim 45.

In regard to claim 55, Meyer in view of Montulli further disclosed *the reproduction apparatus further comprises a reading unit for reading data from at least one storage medium, the at least one storage medium stores the contents, the identifier provider provides the contents identifier read from the at least one storage medium to the controller, and the controller receives the contents identifier from the reproduction apparatus for transmitting the contents identifier provided by the identifier provider through the network connector to the server.* (Meyer, column 16, lines 1-3 and lines 59-67, column 3, lines 54-59)

Claim 56 is substantially the same as claim 47.

In regard to claims 57 and 58, Meyer in view of Montulli further disclosed receiving the contents identifier from the browser as a cookie. Meyer taught the transmission of an identifier using an Internet browser to a server to retrieve information. (column 13, lines 4-27). Montulli taught that it was well known in the art to use a cookie file for data transmission at the time of the invention. (column 9, lines 47-57).

Claim 59 is substantially the same as claims 45 and 47.

Claim 60 is substantially the same as claim 46.

In regard to claims 62-64, Meyer in view of Montulli further disclosed preparing a cookie and including the contents identifier in the cookie. Meyer taught the transmission of an identifier using an Internet browser to a server to retrieve information. (column 13, lines 4-27). Montulli taught that it was well known in the art to use a cookie file for data transmission at the time of the invention. (column 9, lines 47-57). The storage of a cookie on an apparatus prior to transmission was inherent to Meyer-Montulli

In regard to claim 65, Meyer in view of Montulli further disclosed *reproducing the received additional information without reproducing the corresponding predetermined contents* (column 13, lines 4-27).

In regard to claim 66, Meyer in view of Montulli further disclosed *reproducing the received additional information while reproducing the corresponding predetermined contents.* (column 13, lines 4-27)

In regard to claim 67, Meyer in view of Montulli further disclosed *the controller receives an input requesting retrieval of the additional information, if the received input requests receipt of the additional information without reproducing the corresponding contents, the additional information is retrieved from the server system using the cookie file without reproducing the corresponding contents, and if the received input requests the additional information while reproducing the corresponding contents, the additional information is retrieved from the server system using the cookie file while reproducing the corresponding contents.* (column 13, lines 4-27)

In regard to claim 68, the storage of a file prior to transmission of the file was inherent to Meyer in view of Montulli.

In regard to claims 69-71, Meyer in view of Montulli further disclosed *the predetermined contents comprises audio and/or video contents, and the additional information includes words of a song of the audio and/or video contents, personal information items on singers of the audio and/or video contents, contents of recent activities of the audio and/or video contents, other songs of a similar genre of the audio and/or video contents, or combinations thereof.* (Meyer, column 13, lines 4-27, 37-44).

(10) Response to Argument

Applicant argues the combination of Meyer et al. and Montulli does not disclose storing a contents identifier prior to transmission through a network connector. No data can be transmitted in a network system without being stored somewhere. Buffers are used for this to occur. The basic design of a network interface card, serial port interface, parallel port interface, or any other transmission method requires buffering of data in order to format it for transmission. The Kurose reference was provided solely

to give evidence of general knowledge in the art showing buffering because Applicant asked for evidence of this elementary technique in hardware design.

Meyer used an Internet browser to transmit information. See column 6, lines 18-20 of Meyer, which specifically state the user of a web browser such as Netscape Navigator. Cookies are well known for data transmission in web browsers. Montulli is the basic reference detailing the use of cookies for web browsers. See the assignee for Montulli, which is Netscape Communications Corporation – the creators of Netscape Navigator. Meyer is Appellant's exact invention, without the use of a cookie. Because Meyer expressly suggested the use of Netscape Navigator as a web browser to transmit information, and because Netscape patented the use of a cookie for transmitting data through a web browser for the express purpose of creating a file format for transmitting and storing data for web browser transactions, it would have been obvious to one of ordinary skill in the art that a cookie would have been used by Meyer to transmit data through its web browser as explained in the Meyer reference.

Appellant repeated the above arguments for all claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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